

**BEFORE THE
GEORGIA GOVERNMENT TRANSPARENCY & CAMPAIGN FINANCE COMMISSION
STATE OF GEORGIA**

IN THE MATTER OF:

Kwanza Hall

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CASE NO.

2009-0005PC

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Campaign Finance
Commission

COMPLIANCE ORDER

This matter comes before the Georgia Government Transparency & Campaign Finance Commission (Commission) pursuant to a Probable Cause investigation initiated on or about March 17, 2009. Now, prior to a preliminary hearing, Respondent (Kwanza Hall) and the Commission agree to resolve the matter by Compliance Order.

FINDINGS OF FACT

Kwanza Hall (Respondent) is a City of Atlanta Councilman representing District 2.

Since 2006, Hall paid \$11,200.00 from City of Atlanta funds (Council District 2 office expense account) and \$3,185.00 from his campaign fund account to NGP Software, Inc, to maintain a database of constituents, to send fundraising and other "political" emails to persons listed in the database and other campaign related matters.

After a performance audit and an investigation by the City of Atlanta Ethics Office, Hall entered into a Consent Order with the City of Atlanta on January 15, 2009. As part of his agreement with the City of Atlanta, Hall paid the City of Atlanta \$11,200.00 from his campaign account (check #1695, check date 7/7/2009).

Commission staff audited Hall's other filings and found technical defects.

CONCLUSIONS OF LAW

By paying for campaign expenditures with City of Atlanta funds, Hall violated O.C.G.A. §21-5-30.2(b) which prohibits a government agency or anyone acting on behalf of a government agency from making contributions to a candidate or campaign.

By accepting and using the services of NGP Software, paid for with City of Atlanta funds, Hall violated O.C.G.A. §21-5-30.2(c), which prohibits a candidate from accepting contributions by a government agency.

AGREEMENT

Respondent, Kwanza Hall, hereby agrees that he will refrain from assisting his campaign with City of Atlanta funds and he will not accept City of Atlanta funds for campaign purposes.

Respondent will correct the technical defects in his prior filings as soon as possible but no later than 8/31/2011.

As a term of this consent order, Respondent must successfully complete the following training classes offered by the Commission as soon as possible but no later than 12/31/2011:

- "Candidates, Public Officials, and Other Interested Persons" &
- "How to Electronically File".

Finally, Respondent agrees to refrain from any further violations of the Ethics in Government Act and corresponding Commission Rules. All collateral issues contained in the complaint are hereby settled.

Respondent represents that the foregoing findings of facts are true, agrees with the conclusions of law, and further agrees to abide by all terms of this Order. By signing this Order, Respondent waives any right to appeal pursuant to the procedures outlined in the Administrative Procedures Act (APA), O.C.G.A. § 50-13 *et. seq.*

Failure to comply with the terms herein, absent a showing of good faith, will constitute a willful and knowing violation of said terms by Respondent. Respondent's failure to comply with said terms shall constitute a breach of this agreement and thereby authorize the Commission to seek enforcement action against the Respondent in Superior Court. The parties agree that all costs and attorneys' fees incurred by the Commission in any enforcement action shall be assessed against Respondent pursuant to O.C.G.A. § 21-5-6(b)(14)(C).

The Commission adopts the foregoing findings of fact and conclusions of law and orders the implementation of the terms of this Compliance Order.

Signatures attested to on this 10th day
of February 2011.
By: Barbara Reeder
Public Notary
Barbara Reeder
Notary Public
Fulton County, Georgia
My Commission Expires May 28th, 2011

RESPONDENT

Kwanza Hall
KWANZA HALL

SO ORDERED this 1st day of March, 2011.

GEORGIA GOVERNMENT TRANSPARENCY & CAMPAIGN FINANCE COMMISSION

By: Josh Bolinfante
Chairman
Patrick Millsaps
Sherilyn Streicker
Deputy Executive Secretary